

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

TENNESSEE RIVERKEEPER, INC.,)	
)	
Plaintiff,)	Civil Action No. 3:23-cv-00878
)	
v.)	Judge Waverly D. Crenshaw, Jr.
)	Magistrate Judge Alistair Newbern
CRYSTAL RAY and RICKY RAY d/b/a)	
RR FARMS aka RR FARMS MASS)	
GRADING,)	
)	
Defendants.)	
)	

MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT

COME NOW the Defendants, Crystal Ray and Ricky Ray d/b/a RR Farms aka RR Farms Mass Grading (the “Rays” or “Defendants”), by and through counsel and pursuant to Fed. R. Civ. P. 6(b) and Local Rule 6.01(a), and respectfully moves this Court to grant them additional time to respond to Plaintiff’s, Tennessee Riverkeeper, Inc. (“Plaintiff” or “Riverkeeper”), *Complaint*. In support of this *Motion*, Defendants would state as follows:

1. Plaintiff filed its *Complaint* with this Court on August 21, 2023. *See* Compl., ECF No. 1.
2. Summonses to the Defendants were issued by this Court on August 23, 2023, but no Returns on Service of said Summonses have been filed as of the date of this *Motion*. *See* Summons, ECF No. 7 and the Record, *generally*.
3. Upon information and belief, the Rays were served with the *Complaint* on or about September 1, 2023, but the date of service is currently unknown due to the lack of filed Returns on Service.

4. If the Rays were served with the *Complaint* on September 1, 2023, responsive pleadings thereto would be due September 22, 2023.

5. Undersigned counsel for the Rays became aware of this lawsuit shortly before this possible September 22, 2023 response deadline.

6. Counsel for the Rays and counsel for the Plaintiff have held a conference, in person, to discuss this matter, the claims asserted by Plaintiff and the facts surrounding the allegations presented in the *Complaint*.

7. The *Complaint*, consists of twenty-seven (27) pages and one hundred forty-three (143) paragraphs of allegations, along with the charge against Defendants for thirteen (13) separate violations of the Federal Clean Water Act, excluding the exhibits attached thereto. *See Compl.*

8. Considering the extent of the allegations of the *Complaint*, the issues involved, the current schedule of undersigned counsel, and the relative time that will be required to fully and accurately respond to the above referenced allegations, the Rays would respectfully request an extension of time in order to prepare and file a responsive pleading.

9. Counsel for the Rays has contacted counsel for Plaintiff regarding this requested extension and Plaintiff does not oppose the requested extension of time by the Rays to file a responsive pleading to the *Complaint*.

10. Based on the foregoing, an extension of time for the Rays to respond to the *Complaint* is reasonable under the circumstances.

11. Accordingly, Defendants respectfully move this Court to allow for additional time to file their proper responsive pleading to the *Complaint*, thereby extending the time within which its brief may be filed from September 22, 2023, to **October 13, 2023**.

Respectfully submitted,

/s/ William L. Fitts

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Counsel for the Defendants Crystal Ray and

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Mass Grading

CERTIFICATE OF SERVICE

I hereby certify that on this the **4th day of October, 2023**, a true and correct copy of the ***Motion for Extension of Time to Respond to Complaint*** was filed with the Clerk of Court using the CM/ECF system, and that a true and correct copy of such filing was served on all known counsel of record listed below through the electronic filing manager, pursuant to the Federal Rules of Civil Procedure.

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/s/ William L. Fitts

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